

ALEX G. TSE (CABN 152348)
Acting United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

JEFFREY SHIH (CABN 296945)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
jeffrey.shih@usdoj.gov; 415-436-7168

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARY COLLINS,

Defendant.

) CASE NO. 3:15-CR-533 RS

) STIPULATION AND

) ~~PROPOSED~~ ORDER CHANGING DATE FOR
) SENTENCING AND EXCLUDING TIME
) UNDER THE SPEEDY TRIAL ACT

The parties, with the consent of the defendant, hereby stipulate as follows:

1. The sentencing hearing for Counts Four and Eight in this case is currently set for June 26, 2018, at 2:30 p.m. The defendant requires additional time to submit information that was requested by Probation for the Presentence Investigation Report. Therefore, the parties hereby stipulate that the sentencing hearing be moved to August 7, 2018, subject to the Court's acceptance and availability.

2. The defense conferred with Probation Officer Aakash Raju on May 31, 2018, and Officer Raju is available on August 7, 2018.

3. The United States has no objection to continuing the sentencing to August 7, 2018. The United States has attempted to confer with the victim of Counts Four and Eight, but has not yet been able to confirm the victim's availability on August 7, 2018. The parties will confer should the

1 sentencing need to be moved to provide the victim an opportunity to attend the sentencing hearing
2 pursuant to the Crime Victims' Rights Act, 18 U.S.C. § 3771(a)(4).

3 4. Additionally, the status hearing for severed Count Nine, which remains pending against
4 the defendant, is currently set for June 26, 2018, at 2:30 p.m. Should the Court accept the parties'
5 stipulation above to move the sentencing hearing for Counts Four and Eight in this case to August 7,
6 2018, the parties also hereby stipulate that:

7 a. The status hearing for Count Nine be moved to the same time as the sentencing hearing
8 for Counts Four and Eight on August 7, 2018.

9 b. The parties jointly and respectfully request that the Court issue the proposed order
10 excluding time under the Speedy Trial Act based on the following:

11 i. The United States has provided the defendant with discovery materials regarding
12 severed Count Nine, and the defendant requires additional time to review the
13 discovery and to prepare effectively with defense counsel. A delay regarding
14 severed Count Nine is also appropriate based on the delay resulting from the trial
15 proceedings that were previously pending and that related to Counts One through
16 Eight against the defendant.

17 ii. There is good cause to exclude time under the Speedy Trial Act as the ends of
18 justice from such an exclusion outweigh the best interest of the public and the
19 defendant in a speedy trial. Specifically, such an exclusion provides defense
20 counsel reasonable time for effective preparation, taking into account due
21 diligence. 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv). Additionally, such an
22 exclusion is appropriate as the delay results from the trial proceedings that have
23 been pending and that have related to other charges against the defendant. 18
24 U.S.C. § 3161(h)(1)(B).

25 IT IS SO STIPULATED.

26 DATED: May 31, 2018

27 /s/ with permission
ELIZABETH MEYER FALK
Counsel for Defendant Collins

ALEX G. TSE
Acting United States Attorney

DATED: May 31, 2018

/s/ Jeffrey Shih
JEFFREY SHIH
Assistant United States Attorney

**~~PROPOSED~~ ORDER CHANGING DATE FOR SENTENCING AND
EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT**

Based on the stipulation of the parties, the consent of the defendant, and on good cause shown, the Court orders that the sentencing hearing for Counts Four and Eight and the status hearing for Count Nine, which are both currently set for June 26, 2018, are hereby moved to August 7, 2018.

Additionally, the time period from the date of this Order, through and including the August 7, 2018, is excluded under the Speedy Trial Act. The Court bases this exclusion of time and makes the findings as stipulated by the parties above.

IT IS SO ORDERED.

Dated: 6/1, 2018


HONORABLE RICHARD SELBORG
UNITED STATES DISTRICT JUDGE